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10/626,733

07/25/2003

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1713.1005

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EXAMINER

DANG, DUY M

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/626,733 | Applicant(s) FUJITA ET AL. | |
| | Examiner Duy M. Dang | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/2/07.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4, 8-17, 19, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-17, 19, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 8-17, 19-20, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed on 10/2/2007 have been fully considered and are persuasive. The rejection of claims 1-4, 8-17, 19-20, and 22 under section 375 USC 103 has been withdrawn. Particularly, the publication to Dambrackas (US Pub. No. 2004/0264377) is no longer considered to be prior art in view of the translated foreign priority document submitted on 10/2/07. Furthermore, the 101 rejection of claims 19-20 has been withdrawn in view of applicant's amendment filed on 10/2/2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 8-9, 11-13, 15-17, 19-20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Biederman (USPN 7,069,342. Referred as Biederman hereinafter).

Regarding claim 1 as a representative claim, Biederman teaches a switching device that selectively switches connections to a predetermined terminal among a plurality of terminals connected to computers, and can be remote-controlled over a network, the switching device (see figure 2 and col. 2 lines 24-55) comprising: a network interface circuit to be connected to the

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network (i.e., interface 68 of figure 1); and an image processing unit that includes an image compression circuit for compressing image signals outputted from the computers (see compression units depicted at 204 in figure 2); a controller that changes a compression method or compression rate to be used at the image compression circuit, in accordance with a congestion level of the network (see selector 202, controller 210, and estimator 212 of figure 2).

Regarding claims 8-9, 12-13, 15-17, 19-20, and 22 are also rejected for the same reasons as set forth in claim 1 above.

Regarding claims 4, and 11, the rejection applied to claim 1 above is incorporated herein.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biederman in view of Kilkki.

The advanced statement as applied to claims 1, 4, 8-9, 11-13, 15-17, 19-20, and 22 with regard to Biederman above is incorporated herein.

Regarding claim 2, Biederman does not explicitly teaches packet filtering circuit that adds up a packet data amount received through the network interface circuit. However, such claimed features are taught in Kilkki as pointed out in the previous Office action and incorporated herein. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporated such features as taught by Kilkki in combination

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with Biederman. The motivation for doing so is to improve the accuracy in computation the congestion level in order to enhance the routing data.

Regarding claim 3, Kilkki teaches a plurality of image processing units and a plurality of remote-control computers that can be connected to the network, the number of the image processing units being the same as the number of remote-control computers (see figures 1 and 17).

Regarding claims 10 and 14, the quality based operation mode and quantity based operation mode shown at figure 2 and paragraph [0012] of Kilkki refer to the claimed features. Also refer to figure 2 of Biederman which comprises a plurality of compression units.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd
12/07



DUY M. DANG
PRIMARY EXAMINER